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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,773

12/26/2001

James H. Kerr SR.

P1499USA

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07/01/2008

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EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

07/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,773	<b>Applicant(s)</b> KERR, JAMES H.	
	<b>Examiner</b> Thuy N. Pardo	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2008 has been entered.

2. Applicant's Amendment filed on March 31, 2008 in response to Examiner's Office Action has been reviewed. Claims 1, 3 and 5-22 are pending in the application. Claims 2 and 4 are canceled. This Office Action is made Non-Final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2168

3. Claims 1, 3 and 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike US Patent No. 6,459,371 in view of Bolavage et al. (hereinafter "Bolavage") US Patent Application No. 2002/0084889.

As to claim 1, Pike teaches a tracking device system consisting of [see the title and abstract]:

a physical asset [locating device, see ab];

a transmitter [transceiver, ab; col. 3, lines 10-12], attached to the physical asset for transmitting a first data signal [transmit an alarm signal;

a communication means [communication device 507 of fig. 5; ab; transmitter, col. 3, lines 19-20] for receiving the first data signal [receive a signal containing position locating information from the transmitter, col. 3, lines 19-20] and transmitting a second data signal [transmitting an activation signal to the locating device, col. 3, lines 30-38].

However, Pike does not explicitly teach tracking location of item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset although it has the same functionality of tracking reporting and recording device for use with a portable two-way radio transceiver, for enabling the radio transceiver to transmit a locating signal containing position locating information [see the abstract of Pike]. Bolavage teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Bolavage to the system of Pike an essential means to tracking location of items through world wide packet data communication services.

As to claims 1, 20 and 21, all limitations of these claims have been addressed in the analysis of claim 1 above, and these claims are rejected on that basis.

As to claim 5, Pike and Bolavage teach the invention substantially as claimed. Pike further teaches manipulating the stored status signal by using the personal computer to generate, save and print reports [ claim 1, 17; the resulting data transferred to a central computer, col. 6, lines 29-30].

As to claims 6, Pike and Bolavage teach the invention substantially as claimed. Pike further teaches outputting a status symbol representing the status signal [col. 10, lines 58-65].

As to claims 7-9, Pike and Bolavage teach the invention substantially as claimed, with the exception of outputting a red status symbol if the physical asset is not in a proper location, a green status symbol if the physical asset is in a proper location, and yellow status symbol if the physical asset is detected in a location, but the location is not a proper location. However, these features are only a matter of a design choice and are well-applied in many exclusive operations. Pike also teaches alerting state of the item [col. 9, lines 34-37].

As to claim 19, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches a computer network [see the abstract and fig. 1]; at least one server in communication with the computer network [ab; fig. 1]; a storage device for storing information [col. 4, lines 23-25]; and tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

As to claim 10, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches the communication means comprises a personal computer [18 of fig. 1].

As to claim 11, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches that receiving means comprises a personal computer [18 of fig. 1].

As to claim 12, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches the receiving means generates, saves and prints reports based on the second status signal [col. 9, lines 32-46].

As to claims 13-16, 20 and 21, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 17, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches a database for storing information about the first data signal [ab; 0031-0032]

As to claim 18, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches that the user having been granted exclusive access rights to the database and the user only gaining access by using a password or personal identification number [0032; 0050].

As to claim 22, Pike and Bolavage teach the invention substantially as claimed. Bolavage further teaches that the communication medium is the Internet [see fig. 1].

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3 and 5-22 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/

Primary Examiner, Art Unit 2168